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***EX PARTE***

**Electronic Filing via ECFS**

March 7, 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW B-204  
Washington, DC 20554

RE: In the Matters of Unbundled Access to Network Elements, WC Docket No. 04-313; Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338

Dear Ms. Dortch:

On Friday, March 4, 2005, Melissa Newman, Cronan O'Connell and Blair Rosenthal, representing Qwest Communications International Inc. ("Qwest"), met with Michelle Carey, Pamela Arluk, Jeremy Miller and Ian Dillner of the Wireline Competition Bureau. The purpose of the meeting was to review the Qwest methodology, per the attached document, used to identify the Serving Wire Centers ("SWCs") in Qwest's operating areas that satisfy the Tier 1, 2 and 3 criteria for dedicated transport, and identify the SWCs that satisfy the nonimpairment thresholds for DS1 and DS3 loops in the Triennial Review Remand Order. Additionally, we discussed the Qwest policy for processing of new service order requests for impacted UNEs until Interconnection Agreement negotiations are completed.

In accordance with Commission Rule 1.49(f), this *ex parte* letter is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced dockets pursuant to Commission Rule 1.1206(b)(2).

Sincerely,  
/s/ Cronan O'Connell

Attachment

Copy via email to:  
Michelle Carey ([michelle.carey@fcc.gov](mailto:michelle.carey@fcc.gov))  
Pam Arluk ([pamela.arluk@fcc.gov](mailto:pamela.arluk@fcc.gov))  
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- 1) Year End 2003 ARMIS 43.08 data filed in April 2004 (Table 3)
  - a) Business Line Count – Consistent with the Order, the number of “business lines” in a wire center is based on the ARMIS data “that incumbent LECs have already created.” (§ 105)
  - b) Qwest used retail switched single line business (Column C), multi-line business (Column D), and payphone data (Column E)
    - i) Consistent with the Order, Qwest counts each 64 kbps-equivalent channel in an access line as one business line
- 2) Year End 2003 UNE-L data – Consistent with the Order, all UNE-loops should be included in the count of business lines in a wire center. (§ 105)
  - a) Consistent with the Order, Qwest counts each 64 kbps-equivalent channel in an access line as one business line
- 3) Year End 2003 UNE-P Business Lines - Some carriers, such as Qwest, have not tracked whether a UNE-P line is used to serve business or residential customers.
  - a) Qwest’s methodology for computing business UNE-P lines is reasonable, and is consistent with the methodology used in its Section 271 filings.
  - b) Qwest determined the number of business UNE-P lines in each wire center based on the percentage of white page listings in that wire center associated with UNE-P lines in service that are listed as residential lines, then deducting that number from total UNE-P lines in service. The residual is attributed to business.
- 4) December Data –
  - a) The business line counts that Qwest submitted to the Commission in December were based on slightly different assumptions than those in the Order’s definition of business lines. In particular, the December data counted each UNE-loop as one business line, including DS1 and DS3s. In addition, it only counted the active channels of access lines, rather than all the channels on those lines. As a result, the December data understated the number of wire centers where Qwest qualified for unbundling relief.
- 5) February 2005 Fiber-Based Collocators
  - a) The number of fiber-based collocators in a wire center is counted as of February 18, 2005
- 6) True-Up - Under the Order, incumbents are entitled to true-up the rates for network elements no longer required to be unbundled to the applicable transition rates, once they have completed the change of law process
  - a) Such true-ups relate back to March 11, 2005, regardless of the language in any interconnection agreement. True ups will apply to both the embedded base and new orders submitted after March 11, 2005.
- 7) Resolution of Disputes - To the extent a CLEC challenges the validity of an ILEC’s list of non-impaired wire centers before a state commission, the state commission should resolve all such disputes in a single proceeding within 90 days of the effective date of the Order.
  - a) Furthermore, the FCC should allow parties to seek review of such determinations before the Commission, similar to its procedure for reviewing state determinations on enterprise switching in the TRO